

COMMONWEALTH OF MASSACHUSETTS

At the Supreme Judicial Court holden at Boston within and for
said Commonwealth on the thirty first day of May, in the year two
thousand and sixteen:

present,

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| <u>HON. RALPH D. GANTS</u> |) | Chief Justice |
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| <u>HON. FRANCIS X. SPINA</u> |) | |
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| |) | |
| <u>HON. ROBERT J. CORDY</u> |) | Justices |
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| <u>HON. MARGOT BOTSFORD</u> |) | |
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| <u>HON. FERNANDE R.V. DUFFLY</u> |) | |
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| <u>HON. BARBARA A. LENK</u> |) | |
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| <u>HON. GERALDINE S. HINES</u> |) | |

ORDERED: That the Massachusetts Rules of Civil Procedure
adopted by order dated July 13, 1973, as amended, to take effect on
July 1, 1974, are hereby amended as follows:

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| Rule 26 | By inserting at the end of the first paragraph of Rule 26(c) the following new paragraph: Factors bearing on the decision whether |
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discovery imposes an undue burden or expense may include the following:

(1) whether it is possible to obtain the information from some other source that is more convenient or less burdensome or expensive;

(2) whether the discovery sought is unreasonably cumulative or duplicative; and

(3) whether the likely burden or expense of the proposed discovery outweighs the likely benefit of its receipt, taking into account the parties' relative access to the information, the amount in controversy, the resources of the parties, the importance of the issues, and the importance of the requested discovery in resolving the issues.

The amendments accomplished by this order shall take effect on
July 1, 2016.

ORDERED:

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| <u>HON. RALPH D. GANTS</u> |) | Chief Justice |
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| <u>HON. FRANCIS X. SPINA</u> |) | |
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| <u>HON. ROBERT J. CORDY</u> |) | Justices |
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